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The University of
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NEWS RELEASE

April 12, 2001

Contact: Mark Kende, associate professor, School of Law, (406) 243-4317.

FORMAL SESSION OF THE MONTANA SUPREME COURT COMING TO UM MISSOULA --

The Montana Supreme Court will hold a formal session this month at The University of Montana.

The Court will consider *State of Montana v. James William Boyer* at 9:30 a.m. on Friday, April 20, at UM's University Theatre.

State of Montana v. James William Boyer deals with the search by a patrolling game warden who determined that Boyer, while fishing on the Missouri River, caught more fish than allowed by law. Boyer was fined, and a judge temporarily suspended his fishing license. Boyer has appealed the ruling.

The central issue before the Montana Supreme Court on April 20 will be the legality of the game warden's decision to insist on seeing Boyer's catch despite lacking a search warrant. According to Mark Kende, UM associate professor of law, Boyer's case centers on his constitutional right to privacy, since his catch was in an enclosed part of his boat. Kende says the state may well argue that when citizens purchase a fishing license, they become subject to the regulation of state authorities and implicitly agree that game wardens can check their catch. He believes this case could lead to some lively discussion of theoretical constitutional issues that may be of interest to many Montanans.

The Supreme Court session is free and open to the public. For more information, call the UM School of Law at 243-4311.

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